

United States District Court

DISTRICT OF DELAWARE

REDACTED

UNITED STATES OF AMERICA

v.

ARTEMIO DIAS-BRAVO

Criminal Complaint

Case No. 06 - 18M-MPT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about January 6, 2006 in Sussex County, in the District of Delaware, the defendant was knowingly present in the United States, having been previously deported from the United States, and had not obtained the permission of either the Attorney General of the United States or the Undersecretary for Border and Transportation Security to re-enter the United States, in violation of Title 8, United States Code, Section 1326(a).

I further state that I am a(n) Special Agent, Bureau of Immigration & Customs Enforcement (ICE) and that this complaint is based on the following facts:

Official Title

See attached Affidavit

Continued on the attached sheet and made a part hereof: Yes

Michael J. Deshaies

Signature of Complainant

Michael J. Deshaies

Special Agent

ICE

U.S. Dep't of Homeland Security

Sworn to before me and subscribed in my presence,

February 1, 2006

Date

at Wilmington, DE

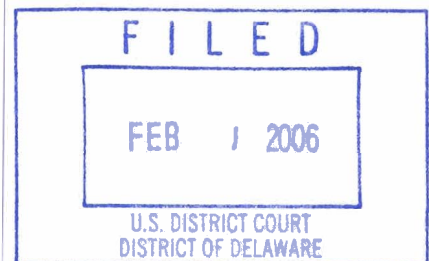
City and State

Honorable Mary Pat Thyng
United States Magistrate Judge

Name & Title of Judicial Officer

Mary Pat Thyng

Signature of Judicial Officer



AFFIDAVIT

I, Michael J. Deshaies, being duly sworn, depose and say:

1. I am a Special Agent with the United States Department of Homeland Security, Bureau of Immigration & Customs Enforcement (ICE), Dover, Delaware. I have been employed as a Special Agent since October 01, 1997, when the INS employed me. The INS was transferred to the U.S. Department of Homeland Security as the Bureau of Immigration & Customs Enforcement in March 2003.

2. This investigation is based upon information provided by INS/ICE records, National Crime Information Center (NCIC), National Records Center (NRC), FBI records, and my own observations and interviews.

3. On or about January 04, 2006, the ICE/Dover office received notification from the Sussex Correctional Institute in Georgetown, DE advising that an individual named Paulino B. PEREZ, born June 22, 1977 in Guatemala, was in custody. It was also learned that he would be incarcerated at the Sussex Correctional Institute within the District of Delaware, pending state charges.

4. Your affiant interviewed and fingerprinted the subject on January 06, 2006. The subject stated that he was Paulino Berduo PEREZ born on [REDACTED] 1977 in Guatemala.

5. Your affiant queried the subject's fingerprints in an automated system. The results of that query showed the subject's true name is Artemio DIAS-Bravo, born on [REDACTED] 1978 in Mexico. The FBI record checks revealed that the subject has FBI#677976HB0 and alien registration number A 74 710 930. When record checks of ICE indices were conducted on A74 710 930 they showed that Artemio DIAS-Bravo had been deported twice previously.

6. The INS/ICE alien database records indicate that Artemio DIAS-Bravo, also known as Paulino B. PEREZ, born November 04, 1978 was removed from Laredo, Texas to Mexico February 27, 1998 and from San Luis, Arizona to Mexico May 24, 2004.

7. Your affiant interviewed Artemio DIAS-Bravo at the Sussex Correctional Institute in Georgetown, Delaware again on January 13, 2006. The subject stated that his true and correct name is Artemio DIAS-Bravo and that he was born on May 25, 1978 in Chiapas, Mexico. He stated that he had been deported twice previously from the United States to Mexico in February 1998 and May 2004.

8. Your affiant has reviewed the subject's file A74 710 930. There are two executed Form I-205 Warrant of Deportation forms that show DIAS was deported to Mexico in 1998 and 2004.

9. The subject Artemio DIAS-Bravo stated to the affiant that he last entered into the United States illegally without inspection by an immigration officer near Nogales, Arizona in September 2005.


10. Your affiant reviewed the subject's file A74 710 930. There was no record of the subject applying or receiving permission to re-enter into the United States after being deported by neither the Undersecretary for Border and Transportation Security, Department of Homeland Security nor the Attorney General of the United States.

WHEREFORE, your affiant avers that there is probable cause to believe that Artemio DIAS-Bravo, a citizen and national of Mexico, was removed by the INS to Mexico on February 27, 1998 and May 24, 2004, and prior to his reembarkation at a place outside the United States, neither the Undersecretary for Border and Transportation Security, Department of Homeland Security nor the Attorney General of the United States had expressly consented to such alien's reapplying for admission, in violation of Title 8, United States Code, 1326(a).



Michael Deshaies
Special Agent
ICE

Sworn to and subscribed before me
This 1 day of February 2006.



The Honorable Mary Pat Thyng
UNITED STATES MAGISTRATE JUDGE